

California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT

A Monthly Report to the Board and Public

April 2007

The next regular scheduled Board meeting is April 11, 2007.

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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San Francisquito Creek Urban Runoff Project (Keith Lichten, John West)

The weekend of March 24 saw the culmination of a clean stormwater runoff demonstration project in Palo Alto and Menlo Park. Funded by Proposition 13 grant monies--approved by the citizens of California to fund clean water projects--the San Francisquito Creek Urban Runoff Demonstration Project retrofitted pervious pavements, vegetated swales, and rain gardens into a single-family residential lot in Palo Alto and a public parking lot in downtown Menlo Park. Acterra, the grantee, gave educational tours of the projects on Saturday and Sunday. Turnout was good, with a combination of homeowners interested to implement the measures on their own properties and landscape designers and architects who are incorporating the designs into their clients' projects.

Board staff participated on Sunday, March 25. Reaction to the "hollywood" driveway and rain garden at the home in Palo Alto was positive. The previous 120-foot long asphalt driveway had been replaced with pavers and paver "wheelways" that left much of the area open, allowing driveway and roof stormwater runoff to soak in, instead of running off into the street, as it had done before. Acterra staff reported that even in very large storms, they had not observed runoff from the property. This was a significant change from before the retrofit, and suggests that these small modifications can result in a significant reduction in runoff pollution, including erosive stormwater runoff flows in creeks. This can be expected to improve creek and Bay health. Similarly positive reactions were seen at the Menlo Park public parking lot, where porous concrete and swales reduced runoff--even infiltrating into the ground runoff from some of the adjacent asphalt parking lot that had not been retrofitted. The tours also provided an opportunity for Acterra to discuss "lessons learned"--an explanation of problems experienced during the demonstration projects' construction,

and how they were solved. Acterra has also prepared fact sheets and web site information for each project, see <http://www.sanfranciscuito.org/runoff/index.htm>.

The projects fit well into the Board's post-construction stormwater runoff program, and particularly provide examples of the effectiveness of porous pavements--even in clay soils--and small-scale rain gardens. They are another piece in the State's and a nationwide growing emphasis on low-impact development (LID). LID is a design approach that emphasizes the benefits of reducing impervious surfaces, using the ground's ability to act as a sponge, and distributing these measures throughout projects.

Strategic Plan Update (Dyan Whyte)

The Water Board system has begun an effort to update its Strategic Plan. This collaborative process entails reviewing the Water Boards' principles and values, identifying critical concerns that can help the agency focus on high priority goals, defining priorities for current programs, and identifying strategies to address emerging issues and ways the Water Boards should evaluate success and measure performance.

A series of forums are being conducted over the next few months to receive input from stakeholders and staff. Stakeholders recently provided their perspectives at a Statewide Strategic Plan Summit held in Sacramento on March 12-13. Proceedings from this meeting should be available on the State Board's website fairly soon. A similar summit dedicated to seeking Regional and State Water Board staff input is scheduled for April 16-17. We will be sending a delegation of eight staff to participate in this event. On the afternoon of June 13, following our June Board meeting, we are scheduled to host a regional workshop at the State Building in Oakland to engage the public's perspectives. This 3-hour meeting is designed to generate input from stakeholders through a highly interactive small group format. State Board staff will be developing the content and format for this meeting. I will update you at our May Board meeting on any new developments and the details regarding the June meeting.

State Board Dismisses Petitions from Vincent Road Owners (Elizabeth Allen)

On March 8, the State Board dismissed petitions filed by owners of two adjoining properties located near the Hookston Station site in Pleasant Hill. The two owners - Mayhew Center, LLC, and Walnut Creek Manor, LLC - each filed a petition in January challenging our requirements for further site investigation.

Board staff have been attempting to identify the party (or parties) responsible for a release of perchloroethene (PCE), a solvent that was discovered in groundwater during site investigation at the Hookston Station site. The PCE has mixed with trichloroethene originating at Hookston Station and appears to originate upgradient of the Hookston Station site and near the property boundary between the Mayhew Center and Walnut Creek Manor properties. As part of our work to identify a responsible party or parties, Mayhew Center and Walnut Creek Manor have been required to implement site investigations in the past. In December 2006, we issued letter orders to both Mayhew Center and Walnut Creek Manor, requiring the submittal of work plans outlining specific

additional investigation activities. Mayhew Center submitted a partial work plan by the required date, while Walnut Creek Manor reaffirmed its belief that no additional investigation was required on its property. In addition to their response to our investigation requirements, both parties filed petitions with the State Board for review of these requirements. The State Board concluded that the petitions did not raise any substantial issue appropriate for review, and dismissed the petitions without requesting any additional information from us.

Should either landowner elect to pursue this matter further, they may file a petition for writ of mandate with the superior court within 30 days from the date on which the State Board denied their petition.

EBMUD Bayside Groundwater Recharge Project (Michael Rochette)

The East Bay Municipal Utilities District's (EBMUD's) Bayside Groundwater Project will inject and store treated drinking water from EBMUD's drinking water distribution system into the South East Bay Plain Groundwater Basin during wet years, for later recovery and use during drought conditions. As proposed, the project will provide up to one million gallons per day of supplemental drinking water for EBMUD's customers. The groundwater basin is located within the western portion of Alameda County, bounded in the east by the Hayward Fault and extending beneath San Francisco Bay to the west.

This project will use EBMUD's Bayside Well #1, located in San Lorenzo, for injection of drinking water into the sand layers of the groundwater aquifer, at depths approximately between 520 and 650 feet below ground surface. The water will be stored until needed and recovered using the same well. The recovered water will be treated and piped back into EBMUD's existing water distribution system. Post recovery treatment will include fluoridation, chloramination and pH adjustment for corrosion control. The sequence and duration of injection, storage and recovery will be dictated by the natural hydrologic cycle, drought frequency and demand within the EBMUD service area.

Aquifer storage and recovery projects inject and store water in a groundwater aquifer during times when water is generally more plentiful, and recovers that water to enhance water supply when it is needed. Large water volumes can be stored deep underground, potentially reducing or eliminating the need to construct dams and surface reservoirs with their related environmental impacts. These projects are becoming an integral part of water planning and management.

On March 9, Board staff opened a 30-day public comment period on a Tentative Order establishing waste discharge and reporting requirements for the project, and notifying the community of the public hearing tentatively scheduled on the Tentative Order at the Board's May meeting. The Tentative Order and a Fact Sheet have been mailed to interested parties and posted on the Board's website:

http://www.waterboards.ca.gov/sanfranciscobay/tentative_order.htm

The Tentative Order proposes to establish:

- Water quality objectives for disinfection by-products within the aquifer, designed to ensure minimal degradation of the native groundwater
- Injection and extraction rates
- A Self Monitoring Program to ensure the injected water remains within an identified zone in the groundwater aquifer and compliance with the water quality objectives

Grants for Integrated Regional Water Management (Susan Gladstone)

In March, the State Board and the Department of Water Resources (DWR) separately approved funding for eight Integrated Regional Water Management (IRWM) implementation proposals around the State, including \$12.5 million to the Bay Area Clean Water Agencies (approved by DWR) and \$12.5 million to the Contra Costa Water District – East County (approved by State Board). These actions were part of a series of funding recommendations and awards to regional water agencies managing water supply and improving water quality. The State Board and DWR are partnering to evaluate and fund projects under Prop. 50 that are intended to encompass a broad spectrum of clean water strategies coordinated at a regional level. While the initial process was competitive, ultimately the two agencies determined to partially fund lower scoring projects, such that almost all applicants received some level of financial support. Total funding from these recent actions included \$175 million to seven proposals in January 2007 and \$132 million in the March decisions.

After the initial January decisions, the State Board directed staff to work with DWR to consider funding additional IRWM proposals. Two public meetings and a workshop were held; the State Board adopted the Additional Funding Recommendations on March 20. The Director of DWR subsequently approved funding for additional proposals as well.

Since the funding for the Bay Area Clean Water Agencies proposal is much less than originally requested, Region 2 staff will work with the grantee to refine a priority list of projects that can be completed with the \$12.5 million. Region 2 staff also want to ensure a broad range of stakeholder support for projects conducted under a Bay Area IRWM program, and thus have been actively organizing and participating in a series of Bay Area meetings in anticipation of future funding for IRWM projects under Prop 84. This recently voter-approved action provides for about \$1 billion statewide for IRWM, of which at least \$138 million is allocated to the Bay Area.

Onsite Wastewater Treatment Systems in Alameda County (Blair Allen)

On March 27, the Alameda County Board of Supervisors adopted a new ordinance and regulations for individual onsite wastewater treatment and dispersal systems (OWTS). These are the rules used by the County's Environmental Health Services staff in permitting and enforcement of the privately owned and operated OWTS serving residential homes and commercial establishments in the areas of the County not served by municipal sewers. There are currently about 4,000 such systems in the County. Although OWTS are subject to regulation by both the Board and the County, historically, the Board has allowed the County to be the lead agency for OWTS, provided that the County's program is consistent with Board plans and policies. Alameda County's program, until now, has been

somewhat out-of-step with current regulatory and industry practices. The new ordinance and regulations will provide a greatly improved framework for permitting and management of OWTS in Alameda County. In addition to updated standards for conventional systems, there are also new standards for a range of engineered 'advanced' systems that can address certain site constraints such as poor soils or shallow groundwater; and requirements for periodic inspections and renewable registrations for engineered systems, to ensure proper operation and maintenance. The Board of Supervisors also authorized a new Citizen's Advisory Committee to provide a forum for stakeholders' concerns and suggestions for improvements in the County's OWTS program. Board staff worked closely with County staff for more than eight years in developing, refining and seeking approval of the new ordinance and regulations, and we look forward to continuing this working relationship in the implementation phase of the County's updated program for OWTS.

Presidio - Potential Clean Up Fund Shortfall (Devender Narala)

In 2005, community members of the Presidio Restoration Advisory Board (RAB) recognized that the original \$100 million budget for the clean up of the Presidio was insufficient to meet the Presidio Trust's (Trust) future cleanup obligations. As a result, the Presidio Summit Meetings (Summit) were born. The Summit's goal is to streamline the cleanup program resulting in cost savings. The Summit meets periodically bringing together the decision makers (senior management) from the Trust, RAB, National Park Service (NPS), Water Board and DTSC.

A significant outcome of these meetings is the Integrated Team Approach (ITA) and how it can be applied to the Remedial Action Plan (RAP) process. A RAP, a document approved by DTSC and the Water Board, defines the technology and final cleanup goals for the site. Successful cleanup involves coordinating with multiple parties, including the Trust's & NPS's historical and natural preservationists, regulators, etc. The ITA establishes a process to bring all parties together at important milestones of a cleanup.

The first RAP to be expedited using the ITA is RAP 3, a decision document regarding the cleanup of Baker Beach along the western coastline of the Presidio's coastal bluffs. Upon successful implementation of the ITA, remediation of Baker Beach should start this summer. In the absence of the ITA, the remediation would not have started until the summer of 2008.

Continued implementation of the ITA could result both in significant cost savings and expedited cleanup, while minimizing any anticipated shortfall in the original cleanup budget.

Pending Legislation – Site Cleanup (Stephen Hill)

Staff is tracking two bills that would affect the way we oversee site cleanup. One, AB 422 (Hancock), would require most site cleanups overseen by the Water Boards to follow a "state Superfund" process. Specifically, it would require us to follow this process at (1) sites with leaking underground storage tanks and (2) sites subject to Cleanup and Abatement Orders. (The latter category includes sites subject to Site Cleanup

Requirements.) The bill also requires risk assessments done at state Superfund sites to explicitly address the potential for vapor intrusion into buildings. Currently, the state Superfund process is reserved for only the most contaminated sites in California, and a less rigorous process is used for less contaminated sites, including the numerous leaking underground fuel tank sites. Nonetheless, the cleanup standards for our non-state-Superfund sites are equally protective of human health and the environment as those set for state Superfund sites (see the March 2006 Executive Officer report, page 2, "Comparison of Site Cleanup Decisions by State Agencies").

The other bill, SB 429 (Ducheny), would improve the way in which state and local agencies track risk-management measures at sites closed with residual contamination. Specifically, it would require state oversight agencies, including the Water Board, to notify the affected local agencies when risk management measures are imposed at a particular cleanup site. The bill also requires state oversight agencies to respond within 30 days if a local agency asks if a development proposal is consistent with the established risk-management measures for a particular site. The bill encourages local agencies to track risk-management sites, by allowing them to charge fees to owners of risk-managed sites and by limiting their liability in the event of a tracking error. Existing law already requires state oversight agencies to post a list of risk-management sites on a publicly-accessible website, but does not address the tracking of these sites in the local permitting process.

We will be providing input to State Board staff that are responsible for bill analysis. We will keep you informed of the progress of these two bills.

DMMO Annual Meeting (Beth Christian)

On April 13, Region 2 Water Board staff will participate in the Dredged Material Management Office (DMMO) annual meeting. The DMMO consists of staff members from state and federal regulatory agencies who meet monthly to coordinate regulatory processes for dredging and disposal or beneficial reuse of sediment dredged from San Francisco Bay. The featured topics of discussion at the annual meeting will be a summary of dredging, disposal, and reuse of dredged material during 2006 and a review of the progress made towards meeting the primary goals of the Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS), which are to significantly reduce in-Bay disposal and to increase the beneficial reuse of dredged material for projects like restoration of tidal saltmarsh in diked, subsided Baylands. These goals are being achieved gradually over a 12-year transition period which started in 2001. Water Board staff have been key players in the LTMS since its inception in 1990.

In-house Training

The March training was six presentations by staff from the San Francisco Estuary Institute on current water quality research projects in the Bay Area. April's training will be on writing skills, and will include the opportunity for one-on-one sessions with the outside consultant we're hiring.

Staff Presentations and Outreach

Richard Looker attended the Piedmont High School Career Day forum on March 28, and shared his experiences working at the Water Board. His talk was well received and he is already lining up interns. He plans to give his talk at future career days as they are scheduled.

On February 22, Keith Lichten lectured to UC Berkeley's graduate hydrology class on the current status of the Board's construction stormwater and post-construction stormwater programs. The class, in the university's landscape architecture department, has been a good source of students who go on to practice the methods, including stormwater coordinators or staffers in San Francisco, at the Water Board, and in private practice.